

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LABORERS LOCAL UNION NOS. 472 &
172 WELFARE AND PENSION FUNDS
AND SAFETY EDUCATION AND
TRAINING FUNDS, et al.,

Petitioners,

v.

TRADEWINDS CONSTRUCTION, INC.
d/b/a LUCAS CONSTRUCTION GROUP,
INC.,

Respondent.

Civil Action No. 18-17407 (MAS) (LHG)

MEMORANDUM ORDER

This matter comes before the Court upon Laborers Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety and Training Funds, and Zazzali, Fagella, Nowak, Klienbaum & Friedman, P.C.'s (collectively, "Petitioners") Petition to Confirm Arbitration Award (Pet., ECF No. 1) and Motion to Confirm Arbitration Award (ECF No. 2). Tradewinds Construction, Inc. ("Tradewinds") d/b/a Lucas Construction Group, Inc. ("Respondent") has not appeared in this action. The Certificate of Service submitted with the pleadings indicate that the Petition and Motion papers were forwarded via certified and first-class mail to:

[Tradewinds], a/k/a,
d/b/a Lucas Construction Group, Inc.
2 Hance Avenue
Tinton Falls, NJ 07724

(Cert. of Service, ECF No. 2-1.)

The Short Form Agreement submitted with the Petition, however, solely sets forth "[Tradewinds]" as the "Employer/Company's Name", includes a signature from the authorized

company agent of Tradewinds and indicates that Tradewinds is located at 17 Amboy Road, Morganville, NJ 07751. Other than the case caption, none of the papers submitted in support of the Petition and Motion, including the arbitrator's award, reference "Lucas Construction Group."

In addition, the proposed form of order submitted in support of the Motion states, "[j]udgment is hereby entered against [R]espondent . . . in the amount of \$25,515.54 (which includes the principal of \$275,284.97 and interest of \$278,955.44)." (Proposed Order ¶ 2, ECF No. 2-2.) The total amount of the Arbitrator's Award, however, is \$335,612.43. (Arb. Award ¶ 6, ECF No. 1.) The proposed form of order, therefore, appears to contain typographical errors. Finally, Petitioners stated that "[a] brief is unnecessary in light of the simple facts of this case and the clear authority of this Court to confirm arbitration awards." (O'Hare Aff. ¶ 6, ECF No. 1-1.) Here, based on the discrepancies in the record, the apparent typographical errors in the proposed form of order, and the lack of a legal brief, the Court finds that Petitioners have not adequately demonstrated entitlement to relief. Based on the foregoing, and other good cause shown,

IT IS on this 22nd day of July 2019, **ORDERED** that:

1. Petitioners' Motion to Confirm Arbitration Award (ECF No. 2) is denied without prejudice.
2. Petitioners may file a renewed Motion by **August 22, 2019** with appropriate supporting documentation and a supporting brief.¹

s/ Michael A. Shipp
MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

¹ Petitioners' renewed motion papers must also include proof of service.